IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 15571 of 2005

Between:

1 Kampasati Annapoorna W/o. Nageswara Rao, Hindu,
R/o. Pattayagudem (V) of Chintalapudi Mandal,

West Godavari District,
2 Kampasati Naga Seetha W/o. Ramakrishna, Hindu,
R/o. Pattayagudem (V) of Chintalapudi Mandal,

West Godavari District,
3 Kampasati Ramakrishna S/o. Nageswara Rao, Hindu, Male,
R/o. Pattayagudem (V) of Chintalapudi Mandal,

West Godavari District,
4 Kampasati Srinivasa Rao, S/o. Nageswara Rao, Hindu, Male,
R/o. Pattayagudem (V) of Chintalapudi Mandal,

West Godavari District,
5 Kampasati Satyanarayana S/o. Nageswara Rao, Hindu, Male,
R/o. Pattayagudem (V) of Chintalapudi Mandal,

West Godavari District,

..... PETITIONERS

AND

1 Revenue Divisional Officer, Eluru,

West Godavari District,
2 Mandal Revenue Officer, Chintalapudi Mandal,

West Godavari District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or directions, more particularly in the nature of a Writ of Mandamus declaring the proceedings of the 1st Respondent in ROC No. 1163/2004(A) dt. 27-6-2005 as illegal and void and pass such other further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.RAMALINGESWAR RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

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Seeking a Mandamus, declaring the proceedings of the

1st respondent in ROC No.1163/2004(A), dated 27.06.2005, as illegal and arbitrary, the present writ petition is filed.

It is the case of the petitioners that their grandmother by name Smt.Doppasani Rattamma was the absolute owner of the agricultural land in an extent of Ac.70.00 and she was aged about 95 years and she executed a Registered Will in favour of the petitioners in respect of the said land. The petitioners applied for grant of pattadar passbooks and title deeds to the revenue authorities and the 2nd respondent has issued pattadar passbooks and title deeds in the year 2003 after conducting a detailed enquiry. In the meanwhile the 1st respondent passed an order dated 13.12.2004 cancelling the pattadar pass books and title deeds issued in their favour. Being aggrieved of the said order, the petitioners approached this Court by filing a writ petition No.24575 of 2004 and this Court, by order dated 02.02.2005 held that the order dated 13.12.2004 issued by the 1st respondent is in violation of principles of natural justice and set aside the said order. Subsequently, the 1st respondent again without following due process of law, issued the impugned order dated 27.06.2005, cancelling the pattadar passbooks and title deeds. Therefore, the petitioners are constrained to approach this Court by filing this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Prima facie, this Court satisfied that the impugned order passed by the 1st

respondent is without jurisdiction under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). If any complaints received in respect of issuance of pattadar passbooks and title deeds to the petitioner, the competent person to enquire into the matter is the 2nd respondent/Mandal Revenue Officer under Section 6(a) of the Act. Section 5(5) provides for an appeal to the 1st respondent/Revenue Divisional Officer against the order of recording authority either in making or refusing to make amendment to record of rights. Section 5-B provides for appeal to the 1st respondent/Revenue Divisional Officer against the order passed by the Mandal Revenue Officer. The 1st respondent/Revenue Divisional Officer straightway entertaining the dispute as an appeal and passing *suo motu ex parte* orders even without hearing the affected party is without jurisdiction and also violative of principles of natural justice.

In that view of the matter, I deem it appropriate to set aside the impugned order dated 27.06.2005, directing the 2nd respondent/Mandal Revenue Officer to consider the case of the petitioners and pass appropriate orders in accordance with law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 19.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Revenue Divisional Officer,

Eluru, West Godavari District

2. The Mandal Revenue Officer,

Chintalapudi Mandal,

West Godavari District

3. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies

5. 1 CC to MR.RAMALINGESWAR RAO

*Form-NIC-OGS/WP{**VSMI**}*